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HOUSE BILL 205

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Jane E. Powdrell-Culbert

AN ACT

RELATING TO SCHOOL TRANSPORTATION; GIVING SCHOOL DISTRICTS THE
FIRST OPTION TO PURCHASE SCHOOL BUSES WHEN A CONTRACT HAS BEEN
TERMINATED OR NOT RENEWED; APPLYING OVERPAYMENTS TO THE
PURCHASE PRICE OF THE BUSES; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 22-16-3 NMSA 1978 (being Laws 1967,
Chapter 16, Section 221, as amended) is amended to read:

"22-16-3. SCHOOL BUS SERVICE CONTRACTS.--

A. A school district may provide transportation
services to students through the use of school bus service
contracts. School districts may enter into school bus service
contracts with individual school bus owner-operators or with
school bus fleet owners or with both. A school district shall
not enter into any school bus fleet service contract with any

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1 person who is simultaneously employed by that school district
2 as an individual school bus owner-operator.

3 B. All contracts entered into by a school district
4 to provide school bus service to students attending public
5 school within the school district shall be approved by the
6 local school board. The contracts shall be in writing on forms
7 approved by the [~~state board~~] department.

8 C. In addition to approving the form of the
9 contract, the [~~state board~~] department shall, by regulation,
10 establish the parameters of school bus service contracts to
11 include recognition of fuel costs, operation and maintenance
12 costs and employee salary and benefits costs. In entering into
13 school bus service contracts, school districts shall give
14 preference to in-state service providers and the use of
15 multiple providers. Upon request, the department shall provide
16 assistance to local school districts in the negotiation and
17 award of school bus service contracts.

18 D. A school district may enter into a school bus
19 service contract for a term not to exceed five years. A school
20 bus service contract may provide, at the expiration of the term
21 of the contract, for annual renewal of the school bus service
22 contract on the same terms and conditions at the option of the
23 local school board.

24 E. [~~In the event~~] If a contract with a school bus
25 operator is terminated or not renewed, the buses owned by the

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1 operator that are used pursuant to ~~[his]~~ the operator's school
2 bus service contract shall be appraised by three qualified
3 appraisers appointed by the local school board and approved by
4 the state transportation director.

5 F. The school district shall have the first option
6 to purchase all of the buses of the operator at the appraised
7 value minus any overpayments owed to the school district by the
8 operator pursuant to Section 22-8-27 NMSA 1978. The option
9 shall be exercised by giving written notice to the operator
10 within fifteen days of receipt of the appraisal. If the school
11 district exercises its option to purchase the buses, it shall
12 do so within fifteen days after delivery of the notice of
13 election to the operator.

14 G. If the school district does not exercise its
15 option to purchase, it may require the operator succeeding to
16 the contract ~~[shall]~~ to purchase ~~[with the approval of the~~
17 ~~operator whose contract was terminated]~~ all of the buses owned
18 by the former operator at their appraised value."

19 Section 2. EMERGENCY.--It is necessary for the public
20 peace, health and safety that this act take effect immediately.